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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,042	02/01/2001	Lisa A. Fillebrown	107870.00012	8351

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EXAMINER	
MAUNG, ZARNI	
ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/775,042	FILLEBROWN ET AL.	
	Examiner	Art Unit	
	ZARNI MAUNG	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 February 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22,30,32,33,36,37,40,45 and 46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22,30,32,33,36,37,40,45 and 46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

This action is in response to the amendment and remarks filed on February 7, 2008. Claims 1-22, 30, 32-33, 36-37, 40, 45-46 are presented for further examination. Claims 23-29, 31, 34-35, 38-39, and 41-44 have been canceled.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-22, 30, 32-33, 36-37, 40, and 45-46 are rejected under 35 USC 103(a) as being unpatentable over Gershman et. al. (US 6,356,905) (referred to as Gershman hereafter) further in view of Jones et al, U.S. Patent Number 6,108,314 (hereinafter Jones)

As per claim 1, Gershman teaches the process of receiving a data packet having data at a first device capable of communicating with a second device; associating the data with one of a plurality of software applications executing on the first device; generating information in response to processing by the one software application; receiving said information on the second device and producing a display on the second device; and where the first and" second device performing transmissions to one another simultaneously (column 34, lines 56-64, column 50, lines 17-55, column 51, lines 1-18 and column 56, line 5-column 57, line 4); communication over the networks such as the

Internet and/or Intranet, however the applied reference does not explicit discloses the use of a wireless router.

It would have been readily apparent at the time the invention was made given the teachings of Gershman for transmitting over the Internet and/or the Intranet that network access system enables access to mobile computer comprises at least interconnecting devices such as routers, gateways, bridges, hubs, switches, and routers forming a computer network and/or a collection of computer networks, e.g. the Internet. Perkins exemplifies where mobile computer communicate with one another through mobile/wireless routers.

Jones, in the same field of endeavor, teaches a system and method for mobile computer or devices to communicate over a wireless using a plurality of routers (see home network 10, laptop 11, content provider 55 connected via wireless network using wireless routers 30, 32). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Garshman in view of Jones by implementing the system using wireless routers because doing so would have enabled the Garshman's disclosure to operate with less amount of turn-around time. One of ordinary skill in the art would have been motivated to modify Garshman in view Jones, since Jones suggests that the use of wireless routers in a system similar to that of Garshman can reduce the processing turn-around time between content servers and mobile devices. The combination of Jones and Garshman does not explicitly show that the first and second devices performing wireless transmissions to one another through a wireless router, wherein performing wireless

transmissions to one another through the wireless router further comprises, providing a first wireless communication link between the first device and the wireless router in accordance with a first wireless protocol, and providing a second wireless communication link between the wireless router and the second device in accordance with a second wireless protocol. However, Jones suggests the process of providing a wireless communication link between the first device and the wireless router in accordance with a first wireless protocol (see col.2, lines 35-53, broad band channel); providing a wireless communication link between the wireless router and the second device in accordance with a second protocol (see col. 2, lines 54-67, satellite links, FDDI wireless interface 231). Dolan, in the same filed of endeavor, discloses that the process of providing a wireless communication link between the first device and the wireless router in accordance with a first wireless protocol and providing a wireless communication link between the wireless router and the second device in accordance with a second protocol is old and known in the art. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combination of Jones and Garshman in view of Dolan to arrive at the claimed invention, because doing so would have enabled the combination of Jones and Garshman to implement the processing in a flexible manner as suggested by Dolan (see Dolan abstract).

Regarding claim 2-8 wherein the software applications executes on the wireless server (column 34, line 65-column 35, line 12) and in background (column 2, lines 18-24 and

column 10, lines 26-66. Garshman does not explicitly show wherein performing wireless transmissions to one another through the wireless router further comprises, providing a first wireless communication link between the first device and the wireless router in accordance with a first wireless protocol, and providing a second wireless communication link between the wireless router and the second device in accordance with a second wireless protocol.

Regarding claims 9-14, 18, 20-22, 32, the step of converting discloses data packet into data stream, and further into audio and video stream (column 44, lines 1-15, and column 45, lines 50-65).

Regarding claims 15-17, for claiming wireless protocol is Bluetooth protocol and also IEEE 802.11 protocol, it would be inherent to skilled artisan in the wireless networking including devices such as PDA, that communication over wireless link uses a standard communication protocols, such as the IEEE standard 802.11 or an emerging wireless communication protocol referred to by the name Bluetooth".

Regarding claim 19, wherein the wireless server simultaneously executes multiple instances of the software application, Gershman discloses an electronic valet 2602, which executes many different software applications as on column 50, lines 28-55.

Regarding claim 30, for comprising displaying registration page, Gershman discloses "Gatekeeper" for interfacing media subsystem, as on column 45, lines 51-64.

Regarding claims 33, 36-37, 40, 42 and 43 are claiming similar subject matter in various format of method claim 1, therefore are rejected for similar reasons.

As per claim 45-46, Jones teaches the first and second devices performing wireless transmissions to one another through a wireless router (see elements 12-13, 32, 55), wherein Jones teaches providing a wireless communication link between the first device and the wireless router in accordance with a first wireless protocol (see col.2, lines 35-53, broad band channel); providing a wireless communication link between the wireless router and the second device in accordance with a second protocol (see col. 2, lines 54-67, satellite links, FDDI wireless interface 231). Jones further teaches the process of amplifying the packet and transmitting the packet or not amplifying the received wireless transmission (see col. 3, line 49 to col. 4, line 26).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-22, 30, 32-33, 36-37, 40, and 45-46 are further rejected under 35 U.S.C. 102(e) as being anticipated by Lincke et al., U.S. Patent Number 6,397,259 (hereinafter Lincke).

Lincke discloses a system and method for transferring packet data between a first wireless web server device 140 to a second wireless device 100 via a wireless router 180. Lincke discloses the invention substantially as claimed. Taking claim 1 as an exemplary claim, Lincke discloses a method for processing a packet in a wireless network (see fig. 1), comprising: receiving a data packet having data therein at a first device (server 140) capable of wirelessly communicating with a second device (100); associating the data with a one of a plurality of network enabled software applications executing on the first device (web application executing on web server 140) and generating display information in response to processing by the one of the plurality of network enabled software applications for use by the second device in producing a display on the second device (see figure 1, browser 104 running on device 100; the browser 104 displays the response wireless application 107 on the wireless device 100); and the first and second devices performing wireless transmissions to one another through a wireless router (see fig. 1, wireless server 140 performs wireless transmission to wireless device 100 through a wireless router 180; the proxy 180 operates and

functions as a wireless router). Lincke further teaches wherein performing wireless transmissions to one another through the wireless router further comprises, providing a first wireless communication link between the first device and the wireless router in accordance with a first wireless protocol (see CTP, col. 11), and providing a second wireless communication link between the wireless router and the second device in accordance with a second wireless protocol (see TCP/IP or HTML columns 11-12).

As per claim 2, the method of claim 1 wherein the software application executes on a wireless server (see HTML page 144 executed and displayed on web server 140).

As per claim 3, the method of claim 1 wherein the software application executes in the background (see CGI is executed in the background on server 140).

As per claim 4, the method of Claim 1 further comprising using the data to update the software application (see col. 9, line 30 to col. 10, line 47, any new program downloaded from the server 140).

As per claim 5, the method of claim 1 further comprising converting the data packet into a data stream (see col. 12, lines 1-26).

As per claim 6, the method of Claim 1 wherein the data is a command that causes the program to perform a predetermined operation (see col. 109, line 50 to col. 110, line

56).

As per claim 7, the method of claim 1 wherein a transmitter comprising the first device receives the data packet (see server 140 operations).

As per claim 8, the method of Claim 1 further comprising compressing the data packet (see col. 10, lines 49-59 compress packets).

As per claims 9-14, and 20-22, 30 and 32, the method of Claim 1 further comprising generating a video stream indicative of a visual display, the visual display associated with the software application, compressing the video stream, and organizing the video stream into at least one video packet, and transmitting the video packet via a wireless protocol (see figures 2-3, col. 19, lines14-50).

As per claims 15-17, for claiming wireless protocol is Bluetooth protocol and also IEEE 802.11 protocol, it would be inherent to skilled artisan in the wireless networking including device 100 such as PDA, that communication over wireless link uses a standard communication protocols, such as the IEEE standard 802.11 or an emerging wireless communication protocol referred to by the name Bluetooth".

As per claims 45-46, the method of Claim 1 wherein the first and second devices performing wireless transmissions to one another through a wireless router comprises: providing a wireless communication link between the first device and the wireless router in accordance with a first wireless protocol; and providing a wireless communication link

between the wireless router and the second device in accordance with a second wireless protocol; and amplifying the packet and transmitting the packet or not amplifying the received wireless transmission (see col. 15, lines 22-59, col. 16, wireless network topology section).

1. Applicant's arguments filed on February 7, 2008 have been fully considered but they are not persuasive. The applicant argued in substance that Lincke fails to disclose that its web server 120 performs wireless transmissions to the communications device 100. The web server 140 is illustrated in Figure 1 as communicating with a proxy server 180 which communicates with a base station 170 - all utilizing wireline communications. In reply, Lincke discloses the communications using both wireless and wire-line transmission (see col., 12, line 34-63, wireless device 100 communicating with the web content server TCP/HTTP or HTML the proxy server 180 which is accessed via wireless connection).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zarni Maung whose telephone number is (571) 272-3939. The Examiner can normally be reached on Monday-Friday from 8:30 to 5:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, Valencia Martin-Wallace can be reached at (571) 272-3440. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800/4700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system, status information for published application may be obtained from either Private or Public PAIR, for unpublished application Private PAIR only (see http://pair-direct.uspto.gov or the Electronic Business Center at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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/Zarni Maung/
Primary Examiner, Art Unit 2151